

114TH CONGRESS  
1ST SESSION

# S. 140

To combat human trafficking.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2015

Mrs. FEINSTEIN (for herself, Mr. PORTMAN, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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# A BILL

To combat human trafficking.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Combat Human Traf-  
5   ficking Act of 2015”.

6   **SEC. 2. REDUCING DEMAND FOR SEX TRAFFICKING; LOWER**

7                   **MENS REA FOR SEX TRAFFICKING OF UNDER-**  
8                   **AGE VICTIMS.**

9       (a) CLARIFICATION OF RANGE OF CONDUCT PUN-  
10   ISHED AS SEX TRAFFICKING.—Section 1591 of title 18,  
11   United States Code, is amended—

1                   (1) in subsection (a)(1), by striking “or main-  
2       tains” and inserting “maintains, patronizes, or solic-  
3       its”;

4                   (2) in subsection (b)—

5                   (A) in paragraph (1), by striking “or ob-  
6       tained” and inserting “obtained, patronized, or  
7       solicited”; and

8                   (B) in paragraph (2), by striking “or ob-  
9       tained” and inserting “obtained, patronized, or  
10      solicited”; and

11                  (3) by striking subsection (c) and inserting the  
12      following:

13                  “(c) In a prosecution under subsection (a)(1), the  
14      Government need not prove that the defendant knew, or  
15      recklessly disregarded the fact, that the person recruited,  
16      enticed, harbored, transported, provided, obtained, main-  
17      tained, patronized, or solicited had not attained the age  
18      of 18 years.”.

19                  (b) DEFINITION AMENDED.—Section 103(10) of the  
20      Trafficking Victims Protection Act of 2000 (22 U.S.C.  
21      7102(10)) is amended by striking “or obtaining” and in-  
22      serting “obtaining, patronizing, or soliciting”.

23                  (c) MINIMUM PERIOD OF SUPERVISED RELEASE FOR  
24      CONSPIRACY TO COMMIT COMMERCIAL CHILD SEX TRAF-

1 FICKING.—Section 3583(k) of title 18, United States  
2 Code, is amended by inserting “1594(c),” after “1591.”.

3 **SEC. 3. BUREAU OF JUSTICE STATISTICS REPORT ON**  
4                   **STATE ENFORCEMENT OF SEX TRAFFICKING**  
5                   **PROHIBITIONS.**

6 (a) **DEFINITIONS.**—In this section—

7                   (1) the terms “commercial sex act”, “severe  
8 forms of trafficking in persons”, “State”, and “Task  
9 Force” have the meanings given those terms in sec-  
10 tion 103 of the Trafficking Victims Protection Act  
11 of 2000 (22 U.S.C. 7102);

12                  (2) the term “covered offense” means the provi-  
13 sion, obtaining, patronizing, or soliciting of a com-  
14 mercial sex act involving a person subject to severe  
15 forms of trafficking in persons; and

16                  (3) the term “State law enforcement officer”  
17 means any officer, agent, or employee of a State au-  
18 thorized by law or by a State government agency to  
19 engage in or supervise the prevention, detection, in-  
20 vestigation, or prosecution of any violation of crimi-  
21 nal law.

22 (b) **REPORT.**—The Director of the Bureau of Justice  
23 Statistics shall—

24                  (1) prepare an annual report on—

25                   (A) the rates of—

(i) arrest of individuals by State law enforcement officers for a covered offense;

(iii) conviction of individuals in State court systems for a covered offense; and

11                   (2) submit the annual report prepared under  
12               paragraph (1) to—

17 (C) the Task Force:

22 (E) the Attorney General.

## **W ENFORCEMENT**

1                         (1) the terms “commercial sex act”, “severe  
2 forms of trafficking in persons”, and “State” have  
3 the meanings given those terms in section 103 of the  
4 Trafficking Victims Protection Act of 2000 (22  
5 U.S.C. 7102);

6                         (2) the term “covered offender” means an individual who obtains, patronizes, or solicits a commercial sex act involving a person subject to severe  
7 forms of trafficking in persons;

8                         (3) the term “Federal law enforcement officer”  
9 has the meaning given the term in section 115 of  
10 title 18, United States Code;

11                         (4) the term “local law enforcement officer”  
12 means any officer, agent, or employee of a unit of  
13 local government authorized by law or by a local  
14 government agency to engage in or supervise the  
15 prevention, detection, investigation, or prosecution of  
16 any violation of criminal law; and

17                         (5) the term “State law enforcement officer”  
18 means any officer, agent, or employee of a State au-  
19 thorized by law or by a State government agency to  
20 engage in or supervise the prevention, detection, in-  
21 vestigation, or prosecution of any violation of crimi-  
22 nal law.

23                         (b) TRAINING.—

1                             (1) LAW ENFORCEMENT OFFICERS.—The At-  
2 torney General shall ensure that each anti-human  
3 trafficking program operated by the Department of  
4 Justice, including each anti-human trafficking train-  
5 ing program for Federal, State, or local law enforce-  
6 ment officers, includes technical training on—

7                             (A) effective methods for investigating and  
8 prosecuting covered offenders; and

9                             (B) facilitating the provision of physical  
10 and mental health services by health care pro-  
11 viders to persons subject to severe forms of  
12 trafficking in persons.

13                             (2) FEDERAL PROSECUTORS.—The Attorney  
14 General shall ensure that each anti-human traf-  
15 ficking program operated by the Department of Jus-  
16 tice for United States attorneys or other Federal  
17 prosecutors includes training on seeking restitution  
18 for offenses under chapter 77 of title 18, United  
19 States Code, to ensure that each United States at-  
20 torney or other Federal prosecutor, upon obtaining  
21 a conviction for such an offense, requests a specific  
22 amount of restitution for each victim of the offense  
23 without regard to whether the victim requests res-  
24 titution.

6 (c) POLICY FOR FEDERAL LAW ENFORCEMENT OF-  
7 FICERS.—The Attorney General shall ensure that Federal  
8 law enforcement officers are engaged in activities, pro-  
9 grams, or operations involving the detection, investigation,  
10 and prosecution of covered offenders.

## 11 SEC. 5. WIRETAP AUTHORITY FOR HUMAN TRAFFICKING

## 12 VIOLATIONS.

13       Section 2516 of title 18, United States Code, is  
14 amended—

15 (1) in paragraph (1)(c)—

16 (A) by inserting before “section 1591” the  
17 following: “section 1581 (peonage), section  
18 1584 (involuntary servitude), section 1589  
19 (forced labor), section 1590 (trafficking with re-  
20 spect to peonage, slavery, involuntary servitude,  
21 or forced labor); and

(B) by inserting before "section 1751" the following: "section 1592 (unlawful conduct with respect to documents in furtherance of traf-

1                   ficking, peonage, slavery, involuntary servitude,  
2                   or forced labor);”; and

3                   (2) in paragraph (2), by inserting “human traf-  
4                   ficking, child sexual exploitation, child pornography  
5                   production,” after “kidnapping.”.

6 **SEC. 6. STRENGTHENING CRIME VICTIMS’ RIGHTS.**

7                   (a) NOTIFICATION OF PLEA AGREEMENT OR OTHER  
8 AGREEMENT.—Section 3771(a) of title 18, United States  
9 Code, is amended by adding at the end the following:

10                  “(9) The right to be informed in a timely man-  
11                  ner of any plea agreement or deferred prosecution  
12                  agreement.”.

13                  (b) APPELLATE REVIEW OF PETITIONS RELATING  
14 TO CRIME VICTIMS’ RIGHTS.—

15                  (1) IN GENERAL.—Section 3771(d)(3) of title  
16 18, United States Code, is amended by inserting  
17 after the fifth sentence the following: “In deciding  
18 such application, the court of appeals shall apply or-  
19 ordinary standards of appellate review.”.

20                  (2) APPLICATION.—The amendment made by  
21 paragraph (1) shall apply with respect to any peti-  
22 tion for a writ of mandamus filed under section  
23 3771(d)(3) of title 18, United States Code, that is  
24 pending on the date of enactment of this Act.

